

JOINT PUBLIC NOTICE

June 20, 2011

United States Army
Corps of Engineers
New Orleans District
Regulatory Branch
Post Office Box 60267
New Orleans, Louisiana 70160-0267

State of Louisiana
Department of Environmental Quality
Attn: Water Quality Certifications
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

(504) 862-1217
Project Manager
Kenny Blanke
Permit Application Number
MVN 2011-1553-CQ

(225) 219-3225
Project Manager
Mr. Jamie Phillippe
WQC Application Number
WQC 110616-01

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the U.S. Army Corps of Engineers pursuant to: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

Application has also been made to the Louisiana Department of Environmental Quality, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2074 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

AFTER-THE-FACT DREDGE SLIP AND EARTHEN BERM FOR GRAVEL MINING OPERATIONS IN SAINT HELENA PARISH

NAME OF APPLICANT: J & C Marine, c/o Coastal Environments, Inc. Attn: Mr. Ed Fike, 1260 Main Street, Baton Rouge, Louisiana 70802

LOCATION OF WORK: In Sections 5 and 63, Township 3 South, Range 4 East, located at 2999 LA Highway 448, near Greensburg, Louisiana, in SAINT HELENA PARISH, 30.81788 N and -90.83003 W, as shown on the enclosed drawings.

The work described below was partially completed prior to obtaining a Department of the Army permit and was in violation of Section 301 of the Clean Water Act. All legal issues concerning the unauthorized work have been deferred.

CHARACTER OF WORK: Install a 10-inch water pipe to pump water from an existing, adjacent dredge pond (Waterbody 4 on the attached drawings) to raise the water depth in Waterbody 3 to allow for an existing dredge boat to begin operating. The dredge boat shall dredge away from the 0.06-acre unauthorized slip towards the upland area to be mined. Once the upland area to be mined reaches an approximate size of 3 acres, the processing area will be closed off from the section 10 pond (Waterbody 3) with the construction of an earthen plug in the slip area from the earthen material excavated from the upland areas. Approximately 0.2 acre of section 10 dredge pond waterbottoms would be filled by the new earthen plug construction. Once the section 10 water has been blocked (Waterbody 3), the emergency earthen embankment constructed in the "Wetland 10" area in the attached drawings shall be removed and the wetland habitat and elevation restored after the sediments in Waterbody 3 are allowed to settle out. This approximate 0.04-acre emergency embankment was constructed in January 2011 after an Amite River high water event had captured the emergent wetland (Wetland 10) and the applicant was concerned that the flooding event would flood Waterbody 3 and impact the dredge boat. The remaining mining operations would consist of approximately 86 acres of uplands mined at the project site. The mining

operations will have a vegetated, undisturbed 100-foot buffer around the mine, so that all adjacent wetlands and Other Waters of the United States are not to be impacted and to remain intact. Furthermore, the mining operations adjacent to the Section 10 Ordinary High Water Mark (OHWM) of the Amite River shall have a vegetated, undisturbed 100-foot buffer between the mining operations and the OHWM. The only areas that are to be temporarily impacted below the OHWM of the Amite River are the areas required to get the dredge boat out of the Waterbody 3 and its subsequent 0.2-acre earthen plug construction, the approximate 0.04-acre earthen embankment to be degraded and restored to herbaceous wetlands, and the pumping of water from Waterbody 4 to allow for the dredge boat to access the upland mining areas. No Other Waters and or jurisdictional wetlands are proposed to be impacted from the mining operations. Approximately 4,160,600 cubic yards of native material are proposed to be dredged from the 89 acres. Approximately 800 cubic yards of native material was dredged from a non-wetland site on the tract and used as fill for the emergency earthen embankment. Approximately 1,000 cubic yards of native material will be dredged for the construction of the earthen plug at Waterbody 3. The applicant has designed the mining operation plan based on the jurisdictional determination issued by the Corps of Engineers (MVN-2010-1946-SZ). The 10 jurisdictional wetland parcels identified by the Corps shall be avoided. The 0.04-acre of herbaceous wetlands impacted by the emergency earthen embankment in January 2011 will be restored and re-vegetate naturally with wetland vegetation.

The applicant may be required to fully or partially restore the project site to pre-project conditions, if issuance of a permit is determined to be contrary to the overall public interest

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **20 days** from the date of this joint public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this permit and/or this WQC request and must be mailed so as to be received before or by the last day of the comment period. Letters concerning the Corps of Engineers permit application must reference the applicant's name and the Permit Application Number, and be mailed to the Corps of Engineers at the address above, **ATTENTION: REGULATORY BRANCH**. Individuals or parties may request an extension of time in which to comment on the proposed work by writing to the project manager or clicking on the project manager's name on the public notice grid on the web page. Any request must be specific and substantively supportive of the requested extension, and received by this office prior to the end of the initial comment period. The Section Chief will review the request and the requestor will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous to the initial comment period and, inclusive of the initial comment period, will not exceed a total of 30 calendar days. Letters concerning the Water Quality Certification must reference the applicant's name and the WQC Application number and be mailed to the Louisiana Department of Environmental Quality at the address above.

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined during weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

Corps of Engineers Permit Criteria

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public, federal, state, and local

agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to make, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

No properties listed on the National Register of Historic Places are near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer.

Our initial finding is that the proposed work would neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of NA acres of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Department of Environmental Quality, Office of Environmental Services, before a permit is issued.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

MARTIN S. MAYER
Chief, Central Evaluation Section
Regulatory Branch

Enclosure